



McGregor W. Scott
United States Attorney
Eastern District of California

Sacramento
501 I. Street, Ste 10-100
Sacramento CA 95814
(916) 554-2700

NEWS RELEASE

Fresno
1130 O. Street, Rm 3654
Fresno, CA 93721
(559) 498-7272

FOR IMMEDIATE RELEASE
September 22, 2005

Contact: Kathleen A. Servatius
<http://www.usdoj.gov/usao/cae>

**SELF-PROCLAIMED CANNABIS CAREGIVER CHARGED
WITH ILLEGAL MARIJUANA CULTIVATION**

FRESNO--United States Attorney McGregor W. Scott announced today that JAMES DALE HOLLAND, 43, MICHAEL TIMOTHY KILPATRICK, 44, and THOMAS ROY WRIGHT, 33, all of Bakersfield, California were charged by a federal grand jury with conspiring to cultivate, distribute, and possess marijuana with intent to distribute, cultivating marijuana, possessing marijuana with the intent to distribute, and possessing a firearm in connection with drug trafficking offenses. HOLLAND was also charged with being a convicted felon in possession of a firearm.

The case was investigated by the U.S. Drug Enforcement Administration and Kern County Sheriff's Office.

According to court documents, HOLLAND claimed to own Free and Easy Compassionate Care, Inc., a business which sold marijuana and related products, when he reported the robbery of two pounds of marijuana and approximately \$5,000 in cash on July 31, 2005. During a subsequent investigation, it was discovered that HOLLAND was also growing marijuana at a residence owned by him in Bakersfield, from which 206 marijuana plants were subsequently seized on September 8, 2005. At that time, approximately 134 pounds of marijuana were also seized from the business, Free and Easy Compassionate Care, Inc.

HOLLAND was arrested after he, along with WRIGHT and KILPATRICK, delivered the marijuana to the business that morning. HOLLAND was apprehended after he fled in a vehicle from police. During the pursuit, HOLLAND tossed a Glock firearm, which was then recovered from the sidewalk. HOLLAND admitted that he possessed the firearm while transporting the marijuana to his business. Both WRIGHT and KILPATRICK were arrested and were in possession of firearms. They had been observed escorting HOLLAND as he transported the marijuana, and KILPATRICK told officers he was employed, in part, to escort HOLLAND while HOLLAND was transporting marijuana, and he carried the firearm for protection during his employment.

HOLLAND admitted that he knew that, as a convicted felon, he could not lawfully possess a firearm. According to court records, in 1988, HOLLAND pleaded guilty to assault with a deadly weapon, a felony, and in 1993, he pleaded guilty to felony possession of a controlled substance, and escape from county jail, also a felony.

Although California voters passed Proposition 215 in 1996, which legalized marijuana for medical use, marijuana remains an illegal drug under federal law, as affirmed by the United States Supreme Court in June of this year.

"This case serves as a stark example of armed felons trafficking in marijuana, attempting to cloak their illegal activities behind California's medicinal marijuana law," said United States Attorney McGregor Scott.

According to Assistant United States Attorney Kathleen A. Servatius of the Fresno United States Attorney's Office, who is prosecuting the case, HOLLAND, WRIGHT, and KILPATRICK face mandatory minimum prison terms of five years (which, in HOLLAND's case, could be doubled to 10 years based upon his prior felony drug conviction) and a maximum of 40 years, and a fine of up to \$2,000,000 for each drug charge. For the gun charge, HOLLAND, WRIGHT, and KILPATRICK are facing mandatory consecutive terms of five years each and a \$250,000 fine. HOLLAND could also be sentenced to as much as ten years and ordered to pay a \$250,000 if convicted of being a felon in possession of a firearm.

###